



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

AUG 25 2008

VIA ELECTRONIC MAIL

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Re: Federal Consistency Appeal
Foothill/Eastern Transportation Corridor Agency

Dear Sirs and Mesdames:

This letter provides notice of the stay of closure of the decision record in the above-referenced appeal and also informs the parties that a public hearing has been rescheduled.

Under the Coastal Zone Management Act (CZMA), the Secretary of Commerce (Secretary) must close the decision record in a consistency appeal 160 days after the notice of appeal is published in the Federal Register. *See* 16 U.S.C. § 1465. However, the Secretary is authorized to stay the closure of the decision record for up to 60 days, when the Secretary determines it necessary to receive, on an expedited basis, any supplemental information specifically requested by the Secretary to complete a consistency review.

The decision record in this appeal is currently scheduled to close on August 25, 2008. After reviewing the decision record developed to date, the Secretary has decided to stay the closure of the decision record for 60 days to allow time to receive supplemental and clarifying information.



The decision record in this appeal will now close on October 24, 2008. Formal notice of the stay of the closure of the decision record will also be published in the Federal Register.

I also write to inform you that we are rescheduling the public hearing in this appeal. As you are aware, an earlier hearing date was cancelled as the identified site withdrew its agreement to host the event. Since that time, we have examined alternative sites and dates, and now have selected a new venue for the hearing. The hearing will be held on September 22, 2008 in O'Brien Hall at the Del Mar Fairgrounds, located at 2260 Jimmy Durante Boulevard, Del Mar, CA 92014. The hearing will begin at 10:30 a.m. and end promptly at 8:30 p.m. A description of the protocols that NOAA staff will use to administer the hearing accompanies this letter.

Please be advised that no testimony or presentation by either TCA or the Commission is anticipated or requested, as the purpose of the hearing is to solicit public comments. If, however, either party chooses to appear, it will be allowed three minutes to give testimony.

Should you have any further questions, please contact Thomas Street, at Thomas.Street@noaa.gov with a copy to all parties.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane C. Luxton". The signature is fluid and cursive, with the first name "Jane" and last name "Luxton" being clearly legible.

Jane C. Luxton
General Counsel